

AMENDED IN ASSEMBLY JUNE 17, 2003

AMENDED IN SENATE MAY 12, 2003

AMENDED IN SENATE APRIL 21, 2003

AMENDED IN SENATE MARCH 25, 2003

SENATE BILL

No. 435

Introduced by Senator Knight

February 20, 2003

An act to amend Section 12054 of the Penal Code, relating to concealed firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 435, as amended, Knight. Firearms: concealed handgun licenses.

Existing law authorizes the sheriff of a county, or the chief of a municipal police department, to issue a license to carry a concealed handgun upon a showing of good moral character, good cause, and satisfaction of other conditions, as specified, including evidence of specified training.

This bill would clarify certain procedures used by the licensing authority when processing the application for a license to carry a concealed handgun, and clarify when certain fees are to be paid in connection with processing the application.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 12054 of the Penal Code is amended to read:

12054. (a) Each applicant for a new license or for the renewal of a license shall pay at the time specified in subdivision (e) a fee determined by the Department of Justice not to exceed the application processing costs of the Department of Justice for the direct costs of furnishing the report required by Section 12052. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustments for the department's budget. The officer receiving the application and the fee shall transmit the fee, with the fingerprints if required, to the Department of Justice as specified in subdivision (e). The licensing authority of any city, city and county, or county may charge an additional fee in an amount equal to the actual costs for processing the application for a new license, excluding fingerprint and training costs, but in no case to exceed one hundred dollars (\$100), and shall transmit the additional fee, if any, to the city, city and county, or county treasury. The first 20 percent of this additional local fee may be collected upon filing of the initial application. The balance of the fee shall be collected only upon issuance of the license.

The licensing authority may charge an additional fee, not to exceed twenty-five dollars (\$25), for processing the application for a license renewal, and shall transmit an additional fee, if any, to the city, city and county, or county treasury. These local fees may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations.

(b) In the case of an amended license pursuant to subdivision (f) of Section 12050, the licensing authority of any city, city and county, or county may charge a fee, not to exceed ten dollars (\$10), except that the fee may be increased at a rate not to exceed any increase in the California Consumer Price Index as compiled and reported by the California Department of Industrial Relations, for processing the amended license and shall transmit the fee to the city, city and county, or county treasury.

1 (c) If psychological testing on the initial application is required
2 by the licensing authority, the license applicant shall be referred to
3 a licensed psychologist used by the licensing authority for the
4 psychological testing of its own employees. The applicant may be
5 charged for the actual cost of the testing in an amount not to exceed
6 one hundred fifty dollars (\$150). Additional psychological testing
7 of an applicant seeking license renewal shall be required only if
8 there is compelling evidence to indicate that a test is necessary. The
9 cost to the applicant for this additional testing shall not exceed one
10 hundred fifty dollars (\$150).

11 (d) Except as authorized pursuant to subdivisions (a), (b), and
12 (c), no requirement, charge, assessment, fee, or condition that
13 requires the payment of any additional funds by the applicant may
14 be imposed by any licensing authority as a condition of the
15 application for a license.

16 (e) In collecting the fees imposed for the initial application by
17 this section, and processing initial applications pursuant to this
18 section, the licensing authority shall follow a “pay as you go”
19 process, whereby fees shall be collected as each step of processing
20 is completed, rather than the collection of those fees due at the
21 initial submission of the application. The first step shall be to
22 require the licensing authority to make a determination regarding
23 whether the applicant has demonstrated good cause *and good*
24 *moral character* for issuance of the license. The licensing
25 authority may collect those fees specified in subdivision (a) prior
26 to making that determination unless otherwise specified in this
27 subdivision. If a determination is made that the applicant has
28 demonstrated good cause, those jurisdictions that require
29 psychological testing may impose the fees authorized by
30 subdivision (c). If psychological testing does not eliminate the
31 applicant from obtaining the license, the licensing authority shall
32 have the background check performed by the Department of
33 Justice using fees collected for that purpose. The background
34 check and the training required to obtain the license may occur at
35 any time, but shall not be required prior to the submission of the
36 background check. Once those steps have been completed, any
37 remaining balances for fees would have to be paid by the applicant
38 prior to issuing the license.

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